

Notice of Allowability

Application No.

09/668,511

Examiner

Djenane M. Bayard

Applicant(s)

JACOBS ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/05.
2. ☒ The allowed claim(s) is/are 1, 25, 37, 65-84, 87-95, 100-103 and 107-109.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) _____ |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Cicozzi, Reg No. 48,984 on 2/16/06.

2. The application will be amended as follows:

- a. Claims 26 and 38 are canceled
- b. Claims 1, 25, 37, 65-84, 87-95, 100-103 and 107-109 are amended.

1. (Currently amended) A computer readable medium having stored therein computer readable instructions [software] for use on a device that is configured for communications via a communication network, comprising:

a communication function that effects an advertisement download communication link between the client device and an advertisement distribution 'server system via the communications network, at selected advertisement download times;

an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one playlist server, via the advertisement download communication link, at the selected advertisement download times;

an advertisement storage function for storing the downloaded advertisements on a storage medium associated with the client device; and

an advertisement display function that effects display of the stored advertisements and wherein the communication network comprises the Internet and wherein the advertisement distribution server system includes:

a plurality of ad servers, each of which stores one or more of the advertisements to be downloaded, each advertisement being stored in a storage location designated by a URI;

the at least one playlist server; and

wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded and the corresponding storage location from which each respective advertisement can be fetched; and wherein the advertisement download function includes:

a client device playlist identification function that transmits an identification of a current playlist(s) currently being used by the client device to the at least one playlist server at prescribed playlist check intervals, wherein the at least one playlist server responds either by transmitting to the client device an indication that the current playlist(s) is valid and does not need to be augmented or by transmitting to the client device a new playlist(s); and a playlist comparison function that compares the ad identifiers listed in the current playlist(s) with the ad identifiers listed in the new playlist(s) and that generates a list of URIs of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the

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generated list of URIs from the appropriate one(s) of the plurality of ad servers over one or more advertisement download sessions.

25. (Currently amended) A computer readable medium having stored therein computer readable instructions [software] for use on a client device that is configured for communications via a communication network, comprising:

A communication function that effects an advertisement download communication link between the client device and an advertisement distribution server system via the communication network, at selected advertisement download times;

an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one playlist server, via the advertisement download communication link, at the selected advertisement download times;

an advertisement storage function for storing the download advertisements on a storage medium associated with the client device; and

an advertisement display function that effects display of [at least selected ones] of the stored advertisements;

wherein the advertisements comprise advertisement files each of which includes an advertisement and a plurality of ad display parameters associated with that advertisement; and wherein the advertisement display function displays the stored advertisement according to the ad display parameters; and

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wherein the ad display parameters include, for each of prescribed ones [ones of the at least selected ones]of the plurality of stored advertisements [any one or more of] the following parameters:

a maximum face time that the associated advertisement is to be displayed each time that is displayed;

a maximum cumulative face time that the associated advertisement is to be displayed;

the maximum number of times per day that the associated advertisement is to be displayed;

the start date/time before which the associated advertisement should not be displayed; and the end date/time after which the associated advertisement should not be displayed

wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs.

37. (Currently amended) A computer readable medium having stored therein computer readable instructions [software] for use on a client device that is configured for communications via a communication network, comprising:

A communication function that effects an advertisement download communication link between the client device and an advertisement distribution server system via the communication network, at selected advertisement download times;

an advertisement download function that downloads advertisements identified in a playlist(s) generated by at least one playlist server, via the advertisement download communication link, at the selected advertisement download times;

an advertisement storage function for storing the download advertisements on a storage medium associated with the client device; and

an advertisement display function that effects display[of at least selected ones] of the stored advertisements; and wherein the playlist(s) includes ad display parameters that include, for each of prescribed ones [of the at least selected ones] of the plurality of stored advertisements , [any one or more of] the following parameters:

a maximum face time that the associated advertisement is to be displayed each time that is displayed;

a maximum cumulative face time that the associated advertisement is to be displayed;

the maximum number of times per day that the associated advertisement is to be displayed;

the start date/time before which the associated advertisement should not be displayed; and the end date/time after which the associated advertisement should not be displayed

wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs.

65. (Currently amended) A computer readable medium having stored therein computer readable instructions [software] for use on a client device that is configured for communications via a communication network, comprising:

A playlist fetch function that fetches a playlist(s) from a playlist server, wherein the playlist(s) identifies advertisement to be fetched;

An ad download function that downloads the advertisements identified in the playlist(s) from an advertisement distribution system, via the communication network, during advertisement download sessions;

An advertisement storage function for storing the downloaded advertisements on a storage medium associated with the client device;

An advertisement display function that effects display [of at least selected ones] of the stored advertisements on a display associated with the client device; and

wherein the playlist (s) includes ad display parameters that include, for each of the plurality of stored advertisements[any one or more of], the following parameters:

a maximum face time that the associated advertisement is to be displayed each time that is displayed;

a maximum cumulative face time that the associated advertisement is to be displayed;

the maximum number of times per day that the associated advertisement is to be displayed;

the start date/time before which the associated advertisement should not be displayed; and the end date/time after which the associated advertisement should not be displayed

wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs.

66. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) contains a list of ad identifiers that identify respective ones of the advertisements to be fetched.

67. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 66, wherein the playlist(s) further contains a list of source addresses where respective ones of the advertisements to be fetched can be fetched.

68. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the advertisement distribution system includes: at least one ad server, each of which stores at least one of the advertisements to be downloaded; and the at least one playlist server.

69. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 68, wherein the computer readable medium having stored therein computer readable instructions is subsidized by revenues attributable to the downloaded advertisements.

70. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 68, wherein the at least one ad server comprises a plurality of ad servers that each store at least one of the advertisements to be downloaded.

71. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 68, wherein: the at least one playlist server

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is controlled by a vendor of the computer readable medium having stored therein computer readable instructions; and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the computer readable medium having stored therein computer readable instructions; and at least one of the plurality of ad servers is controlled by the vendor of the computer readable medium having stored therein computer readable instructions.

72. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 68, wherein: the at least one playlist server is controlled by a vendor of the computer readable medium having stored therein computer readable instructions; and the at least one ad server comprises a plurality of ad servers that each store one or more advertisements to be distributed to clients of the vendor of the computer readable medium having stored therein computer readable instructions; and at least one of the plurality of ad servers is controlled by an entity other than the vendor of the computer readable medium having stored therein computer readable instructions that has granted the vendor of the computer readable medium having stored therein computer readable instructions and its clients access to its ad server.

73. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the advertisement distribution system includes: a plurality of ad servers, each of which stores one or more of the advertisements to be downloaded, each advertisement being stored in a storage location designated by a URI; the at least one playlist server.

77. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 75, further comprising a playlist merge function that merges the current playlist and the new playlist(s).

78. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein each advertisement download session is limited to a prescribed maximum time duration.

79. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the ad download function further includes an ad fetch timer function that limits the duration of each advertisement download session to a prescribed maximum time period.

80. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period, and how long that advertisement is to be displayed each time that it is displayed.

81. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how many times that advertisement is to be displayed for a given time period.

74. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 73, wherein the playlist(s) contains a list of ad identifiers and corresponding URIs that identify respective ones of the advertisements to be downloaded, and the corresponding storage location from which each respective advertisement can be fetched.

75. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 74, wherein the ad download function includes a client device playlist identification function that transmits an identification of a current playlist(s) currently being used by the client device to the at least one playlist server at prescribed playlist check intervals, wherein the at least one playlist server responds either by transmitting to the client device an indication that the current playlist(s) is valid and does not need to be augmented, or by transmitting to the client device a new playlist(s); and a playlist comparison function that compares the ad identifiers listed in the current playlist (s) with the ad identifiers listed in the new playlist(s), and that generates a list of URIs of the advertisements corresponding to the ad identifiers in the new playlist(s) that are different from the ad identifiers in the current playlist(s); and an ad fetch function that fetches the advertisements corresponding to the generated list of URIs from the appropriate one(s) of the plurality of ad servers, over one or more advertisement download sessions.

76. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 75, further comprising an ad deletion function that deletes from storage on the client device all advertisements corresponding to the ad identifiers in the current playlist(s) that are not contained in the new playlist(s).

82. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, how long that advertisement is to be displayed each time that it is displayed.

83. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, a start date/time before which the associated advertisement should not be displayed, and the end date/time after which the associated advertisement should not be displayed.

84. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) includes ad display parameters that specify, for each of prescribed ones of the at least selected ones of the plurality of stored advertisements, the total/cumulative amount of time that advertisement is to be displayed.

87. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, further comprising a cookie generator function that generates a cookie containing information relating to user/client device behavior and/or user demographics, and that transmits the cookie to the at least one playlist server.

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88. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 87, wherein the playlist(s) is generated by the at least one playlist server based at least partially on the cookie.

89. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) is customized to the user.

90. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) is tailored to the user.

91. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) is generated by the at least one playlist server based at least partially on user demographics and/or user/client device behavior.

92. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the at least one playlist server is controlled by a vendor of the computer readable medium having stored therein computer readable instructions.

93. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the computer readable medium having stored therein computer readable instructions is e-mail software.

94. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) is generated by the at least one playlist server based at least partially on user demographics.

95. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the playlist(s) is generated by the at least one playlist server based at least partially on user/client device behavior.

100. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the advertisement display function effects display of the plurality of stored advertisements when the client device is offline.

101. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, wherein the client device is configured for communications with a multiplicity of other client devices via the communications network.

102. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 101, wherein the communications network is the Internet.

103. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 101, wherein the advertisement display function effects display of the plurality of stored advertisements when the client device is offline.

107. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, further comprising an installer function for installing the computer readable medium having stored therein computer readable instructions on a computer-readable storage medium.

108. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, further comprising an installer function for installing the computer readable medium having stored therein computer readable instructions on the client device.

109. (Currently amended) The computer readable medium having stored therein computer readable instructions [software] as set forth in Claim 65, further comprising an installer function for installing the computer readable medium having stored therein computer readable instructions on a computer-readable storage medium associated with the client device.

3. As per claim 1, the following is an examiner's statement of reasons for allowance: a client device playlist identification function that transmits an identification of a current playlist currently being used by the client device to the at least one playlist server at prescribed playlist intervals, wherein the at least one playlist server responds either by transmitting to the client device an indication that the current playlist is valid and does not need to be augmented, or by transmitting to the client device a new playlist and a playlist comparison function that compares the ad identifier listed in the new playlist, and that generates a list of URIs of the advertisement corresponding to the ad identifier in the new playlist that are different from the ad identifier in

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the current playlist and an ad fetch function that fetches the advertisement corresponding to the generated list of URIs from the appropriate one of the plurality of ad servers, over one or more advertisement download sessions.

As per claims 25, 37 and 65, the following is an examiner's statement of reasons for allowance: an advertisement display function that effects display of the stored advertisements on a display associated with the client device; and wherein the playlist (s) includes ad display parameters that include, for each of the plurality of stored advertisements, the following parameters: a maximum face time that the associated advertisement is to be displayed each time that is displayed; a maximum cumulative face time that the associated advertisement is to be displayed; the maximum number of times per day that the associated advertisement is to be displayed; the start date/time before which the associated advertisement should not be displayed; and the end date/time after which the associated advertisement should not be displayed wherein the face time comprises a time period during which a prescribed minimum level of user activity occurs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner


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